

REMARKS

I. Status of Claims

After the above amendments, claims 1-12 are pending. Claims 1, 4, 5, 7, 10 and 11 are independent. Applicant thanks Examiner for indicating that claims 3 and 9 would be allowable if written in independent form including all of the limitations of the base claim and any intervening claims.

II. Rejections under 35 U.S.C. §102(e) as being anticipated by AAGAARD et al. (US 6,839,576 B2)

The Examiner has rejected claims 1, 5-6 and 11-12 under 35 U.S.C. §102(e) as being anticipated by AAGAARD et al. (US 6,839,576 A). Applicant respectfully requests reconsideration of the rejections because AAGAARD et al. neither explicitly nor implicitly, discloses, suggests, teaches or anticipates all of the limitations of the claims. In particular, starting with independent claim 1, the claim as amended herein requires:

A method for detecting a folder position in a rotation touch phone having a camera, the rotation touch phone including a sensor section, a folder, a body, and a connecting section, the folder having a magnet, the sensor section including first, second and third sensors for detecting the magnet, the first and second sensors being located on the body and the third sensor being located on the connecting section, the connecting section connecting the folder to the body, the folder being movable from first, second, third and fourth states, the first state signifying a state in which the folder is initially closed, the second state signifying a state in which the folder has been opened from the first state, the third state signifying a state in which the folder has been rotated substantially 180 degrees from the second state, the fourth state signifying a state in which the folder has been closed from the third state, wherein the orientation of the folder with respect to the body in the fourth state is different than the orientation of the folder with

respect to the body in the first state, the method comprising the steps of:

- i) receiving a signal from the sensor section notifying that the sensor section detects the magnet; and
- ii) deciding that the folder is in at least one of the first to fourth states, based on the signal input from the sensor section (emphasis added).

The Examiner has cited drawing figures 4-7 as disclosing a “folder being movable from first, second, third and fourth states, the first state signifying a state in which the folder is initially closed, the second state signifying a state in which the folder has been opened from the first state, the third state signifying a state in which the folder has been rotated substantially 180 degrees from the second state, the fourth state signifying a state in which the folder has been closed from the third state”. AAGAARD et al.’s drawing figures 4-7 are reproduced below for convenience.

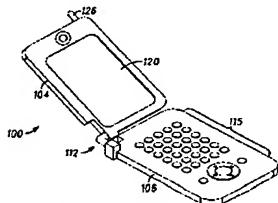


FIG. 4

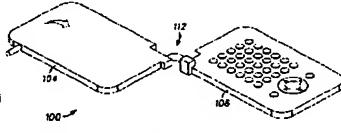


FIG. 5

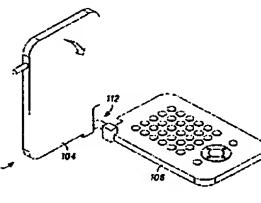


FIG. 6

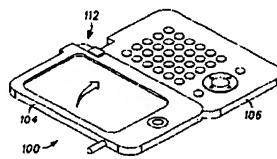


FIG. 7

In AAGAARD et al., when the portable device depicted in drawing figure 4 is folded, the two portions of the portable device are in the same orientation with respect to each other as their orientation when the portable device depicted in drawing figure 7 is folded. In other words, whether the portable device is folded from the position shown in drawing figure 4 or drawing figure 7, the two portions of the portable device are closed on each other with the display 120 facing the keypad.

In contrast, the Applicant’s claim 1 further recites that “the orientation of the folder with respect to the body in the fourth state is different than the orientation of the folder with respect to the body in the first state”. This is clearly not the case in AAGAARD et al., as described above. By way of example, Applicant’s drawing figures 1A-1C demonstrate that “the orientation of the folder with respect to the body in the fourth state is different than the orientation of the folder

with respect to the body in the first state", as recited in Applicant's claim 1. The Applicant's drawing figures 1A-1C are reproduced below for convenience.

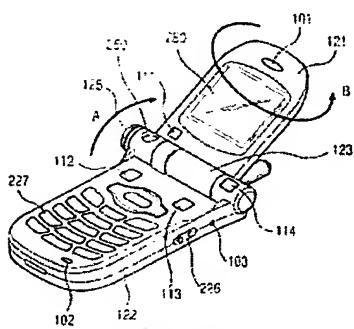


FIG. 1A

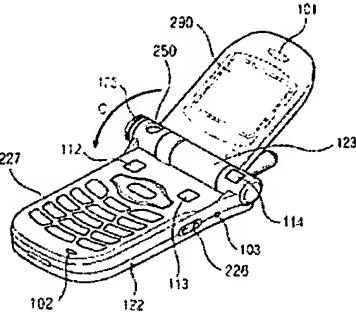


FIG. 1B

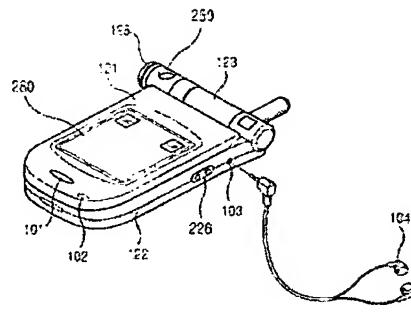


FIG. 1C

In the Applicant's drawing figures 1A-1C, when the portable device depicted in drawing figure 1A is folded, the two portions of the portable device are in a different orientation with respect to each other than their orientation as depicted in drawing figure 1C. When the portable device is folded from the position shown in drawing figure 1C the two portion of the portable device are closed on each other with the display 280 facing the keypad. By contrast, the portable device as folded in drawing figure 1C shows the two portion of the portable device being closed on each other with the display 280 facing away from the keypad.

Thus, AAGAARD et al. fails to either explicitly or implicitly, disclose, suggest, teach or anticipate all of the limitations of claim 1. In particular, AAGAARD et al. does not teach that "the orientation of the folder with respect to the body in the fourth state is different than the orientation of the folder with respect to the body in the first state", as recited in Applicant's claim 1. Therefore, claim 1 is allowable over AAGAARD et al. for the reasons given above. Independent claims 5 and 11, while comprising different subject matter than claim 1, do comprise similar subject matter to that discussed with respect to claim 1 above, and are therefore allowable for similar reasons. Moreover, dependent claims 6 and 12 are allowable for the reasons given above by virtue of their dependence on independent claims 5 and 11.

III. Rejections under 35 U.S.C. §103(a) as being as being unpatentable over AAGAARD et al. (US 6,839,576 A) in view of NAGAMINE (US 2003/0203747 A1)

The Examiner has rejected claims 2 and 7-8 under 35 U.S.C. §103(a) as being unpatentable over AAGAARD et al. (US 6,839,576 A) in view of NAGAMINE (US 2003/0203747 A1). Applicant respectfully requests that the rejections based on AAGAARD et al. and NAGAMINE be withdrawn because NAGAMINE is not prior art. The Applicant's invention was filed on January 28, 2004 and claims the benefit under 35 U.S.C. §119(a) of Korean Patent Application No. 2003-6429 filed on January 30, 2003 in the Korean Intellectual Property Office. Please refer to the Certified English Translation of the Priority Document concurrently submitted herewith. Thus, the priority date of the Applicant's invention is January 30, 2003. Since NAGAMINE is not based on an international application, for NAGAMINE to be prior art against the Applicant, it would have to either have been filed in the US or published before January 30, 2003, which it is not. Instead, NAGAMINE was filed April 25, 2003 and published October 30, 2003. Thus, NAGAMINE is not available as prior art against the Applicant.

Therefore, claims 2 and 7-8 are allowable over AAGAARD et al. and NAGAMINE for the reasons given above. Dependent 2 is further allowable for the reasons given above with regard to claim 1 by virtue of its dependence on independent 1.

IV. Rejections under 35 U.S.C. 103(a) as being as being unpatentable over OPELA (US 2004/0204122 A1) in view of AAGAARD et al. (US 6,839,576 B2)

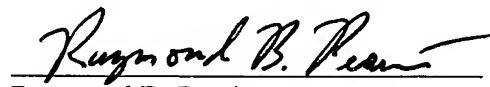
The Examiner has rejected claims 4 and 10 under 35 U.S.C. §103(a) as being unpatentable over OPELA (US 2004/0204122 A1) in view of AAGAARD et al. (US 6,839,576 A). Independent claim 4 and 10, while comprising different subject matter than claim 1, do comprise similar subject matter to that discussed with respect to claim 1 above, and are therefore allowable for similar reasons. Moreover, OPELA fails to make up the deficiencies in AAGAARD et al. Accordingly, Applicant respectfully requests reconsideration of the rejections of claims 4 and 10.

V. **Conclusion**

In view of the above, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

Date: February 23, 2006



Raymond B. Persino
Reg. No. 58,082
Attorney for Applicant

Roylance, Abrams, Berdo & Goodman, L.L.P.
1300 19th Street, N.W., Suite 600
Washington, D.C. 20036-2680
Main: (202) 659-9076
Direct: (202)530-7372